

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

MICHAEL CLARK,

PETITIONER

V.

NO. 1:99CR094-WAP

UNITED STATES OF AMERICA,

RESPONDENT

ORDER DENYING MOTION

On September 23, 1999, Petitioner was charged with two counts of selling, distributing or dispensing crack cocaine and marijuana. After originally entering a plea of not guilty and following an unsuccessful motion to suppress, Petitioner pled guilty to one count on February 25, 2000. Before sentencing, Petitioner motioned to withdraw his guilty plea. On October 23, 2000, Petitioner was sentence. Petitioner filed an appeal and the Fifth Circuit Court of Appeals affirmed his sentence on September 18, 2001. Since that time, there has been no activity in the case.

On March 21, 2007, however, Petitioner filed a motion for permission to file a “2241 motion.” Petitioner claims that he has newly discovered evidence. He further explains that “he was not aware of the true nature and charge against him.” The procedures for attacking a federally imposed sentence are found at 28 U.S.C. § 2255. That section provides a one year limitation period in which a petitioner may seek habeas relief. The time limit for Petitioner to seek such relief has long expired. Furthermore, the “newly discovered” evidence which Petitioner has described could have been discovered years ago through the exercise of diligence.

Therefore, Petitioner’s motion for permission (docket entry 70) is hereby DENIED.

THIS 10th day of August, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE